

REMARKS

Claims 29, 32-36, 38-44, and 46-56 are pending in the above-identified application. In the non-final Office Action dated May 1, 2007, the Examiner made the following disposition:

- A.) Rejected claims 39-42 and 47-49 under 35 U.S.C. §112, second paragraph.
- B.) Rejected claims 44 and 46-50 under 35 U.S.C. §101.
- C.) Rejected claims 29, 32, 34-36, 38, 39, 41, 44, 46, 47, 49, and 51-56 under 35 U.S.C. §103(a) as being unpatentable over *Calder, et al. (U.S. 5,963,972)* (“*Calder*”) in view of *Preiss, Data Flow on a Queue Machine, 1987* (“*Preiss*”).
- D.) Rejected claims 33, 40, 43, 48, and 50 under 35 U.S.C. §103(a) as being unpatentable over *Calder* in view of *Preiss* and further in view of *Hamada, et al. (U.S. 6,493,863)* (“*Hamada*”).
- E.) Rejected claim 42 under 35 U.S.C. §103(a) as being unpatentable over *Calder* in view of *Preiss* and further in view of *Kahn, et al. (U.S. 6,662,278)* (“*Kahn*”).

Applicants address the Examiner’s disposition below.

- A.) Rejection of claims 39-42 and 47-49 under 35 U.S.C. §112, second paragraph:

Claims 39, 40, 42, 47, and 48 have been amended as per the Examiner’s request to overcome the rejection.

Claims 41 and 49 have been canceled.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

B.) Rejection of claims 44 and 46-50 under 35 U.S.C. §101:

Claims 44, 46-48, and 50 have been amended as per the Examiner's request to overcome the rejection.

Claim 49 has been canceled.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

C.) Rejection of claims 29, 32, 34-36, 38, 39, 41, 44, 46, 47, 49, and 51-56 under 35 U.S.C.

§103(a) as being unpatentable over *Calder, et al. (U.S. 5,963,972)* ("*Calder*") in view of *Preiss, Data Flow on a Queue Machine, 1987* ("*Preiss*"):

Applicants respectfully traverse the rejection.

Independent claims 29, 36, 44, 51, and 56, each as amended, each claim subject matter relating to generating a graph that represents the data flow program comprising code segments distributed between the blocks of memory, the graph comprising nodes each of which identifies one of the blocks of memory and arcs that represent dependency relationships between the nodes. An optimization command is received to manipulate the generated graph to improve performance of the data flow program. The optimization command is performed. A performance analysis is performed on the data flow program in accordance with the optimization command. Each node is characterized by a node execution time. The optimization command comprises increasing or decreasing a node execution time. *See, e.g.,* Specification, para. [00171-00172].

This is clearly unlike *Calder* in view of *Preiss* and further in view of *Hamada*, which fails to disclose or suggest performing an analysis in accordance with an optimization command that increases or decreases a node's execution time. The Examiner agrees that *Calder* and *Preiss* fail to teach this claimed subject matter. *Office Action of 5/1/07*, page 8. The Examiner argues that *Hamada* discloses this claimed subject matter. Applicants disagree.

The Examiner cites to *Hamada* 2:19-45 as support for the Examiner's argument. However, the cited passage from *Hamada* fails to discuss or suggest receiving an optimization command that increases or decreases a node's execution time. Instead, the cited passage merely describes that blocks have different execution times and that blocks can be rearranged based on their execution times. *Hamada* 2:19-45. Nowhere does the cited passage, nor any passage in *Hamada*, teach or suggest performing an analysis in accordance with an optimization command that increases or decreases a node's execution time.

Therefore, *Calder* in view of *Preiss* and further in view of *Hamada* still fails to disclose or suggest claims 29, 36, 44, 51, and 56.

Claims 32, 34, 35, 38-39, 46-48, 50, 52, 54, and 55 depend directly or indirectly from claims 29, 36, 44, 51, or 56 and are therefore allowable for at least the same reasons that claims 29, 36, 44, 51, and 56 are allowable.

Claims 41, 49, and 53 have been canceled.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

D.) Rejection of claims 33, 40, 43, 48, and 50 under 35 U.S.C. §103(a) as being unpatentable over *Calder* in view of *Preiss* and further in view of *Hamada, et al. (U.S. 6,493,863) ("Hamada")*:

Applicants respectfully traverse the rejection.

Independent claims 29, 36, and 44 are allowable over *Calder*, *Preiss*, and *Hamada* as discussed above.

Claims 40, 43, 48, and 50 depend directly or indirectly from claims 29, 36, or 44 and are therefore allowable for at least the same reasons that claims 29, 36, and 44 are allowable.

Claim 33 has been canceled.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

E.) Rejection of claim 42 under 35 U.S.C. §103(a) as being unpatentable over *Calder* in view of *Preiss* and further in view of *Kahn, et al. (U.S. 6,662,278)* (“*Kahn*”):

Applicants respectfully traverse the rejection.

Independent claim 36 is allowable over *Calder* and *Preiss* as discussed above. *Kahn* also fails to disclose or suggest performing an analysis in accordance with an optimization command that increases or decreases a node’s execution time. Therefore, *Calder* and *Preiss* in view of *Kahn* still fails to disclose or suggest claim 36.


Claim 42 depends directly or indirectly from claim 36 and is therefore allowable for at least the same reasons that claim 36 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that the claims are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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